

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JOHN DEROCHE,

Defendant.

CASE NO. CR19-197 RSL

ORDER

THIS COURT having considered the stipulated motion to continue trial and the facts set forth therein, General Order 07-20 of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, and defendant's knowing and voluntary waiver (see Dkt. #29), which are incorporated herein by reference, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants it is not possible at this time to proceed with a jury trial.

2. Further, because of the recommendations that individuals at higher risk of contracting this disease – including individuals with underlying health conditions, individuals age 60 and older, and individuals who are pregnant – avoid large groups of people, at this time, it would be difficult, if not impossible, to get a jury pool that would represent a fair cross section of the community. Based on the recommendations it would also be medically inadvisable to do so.
3. As a result, the failure to grant a continuance of the trial date in this case would likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by continuing the trial in this case outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED that the trial in this case shall be set for January 25, 2021, with a pretrial motions cutoff of December 21, 2020. IT IS FURTHER ORDERED that the period of delay from the date of this Order to the trial date of January 25, 2021, shall be excludable time pursuant to 18 U.S.C. § 3161.

Dated this 7th day of May, 2020.



Robert S. Lasnik
United States District Judge

Presented by:

s/ Matthew P. Hampton

MATTHEW P. HAMPTON
Assistant United States Attorney

s/ Gregory Geist

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